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6 Attorneys for Plaintiffs

7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ROBERT PAYNE and STEVEN
11 BARTILUCCI,

12 Plaintiffs

13 vs.

14 MENU FOODS, INC., a New Jersey
corporation; PETCO ANIMAL
15 SUPPLIES, INC., a Delaware corporation;
SAFEWAY, INC., a Delaware
16 corporation; THE PROCTOR &
GAMBLE COMPANY, an Ohio
17 corporation, and DOES 1 through 50.

19 Defendants.

10 } CASE NO.: 07CV 0705 JAH (CAB)

11 } CLASS ACTION

12 } **PLAINTIFF ROBERT PAYNE'S
MOTION TO SUBSTITUTE IN AS
ATTORNEY OF RECORD RENÉ L.
13 BARGE and KATHERINE J.
ODENBREIT OF CLASS ACTION
14 LITIGATION GROUP AS HIS
ATTORNEYS OF RECORD;
15 [PROPOSED] ORDER**

16 Plaintiff ROBERT PAYNE hereby make the following request to substitute in as her
17 attorney of record René L. Barge and Katherine J. Odenbreit of the law firm Class Action
18 Litigation Group in lieu of Eric J. Benink of the law firm Krause Kalfayan Benink &
19 Slavens, LLP and David S. Casey, Jr. and Thomas D. Penfield of the law firm Casey,
20 Gerry, Schenk, Francavilla, Blatt, & Penfield LLP. Pursuant to Local Rule 83.3(c)(5)(g),
21 below is a consent to this substitution signed by plaintiff ROBERT PAYNE, attorney
22

1 René L. Barge, Eric J. Benink on behalf of the law firm Benink & Slavins LLP and
2 Thomas Penfield on behalf of the law firm of Casey, Gerry, Schenk, Francavilla, Blatt, &
3 Penfield LLP.
4

5 DATED: 5/30, 2007 CLASS ACTION LITIGATION GROUP
6

7 BY: René L. Barge
8 RENÉ L. BARGE
9 Attorneys for Plaintiff,
10 **ROBERT PAYNE**, and All Persons
11 Similarly Situated

12 Dated: 5/23/07 I consent to this substitution: Robert Payne
13 Robert Payne

14 Dated: 5/29/07 I consent to this substitution: René L. Barge
15 René L. Barge

16 Dated: _____ I consent to this substitution: _____
17 Eric J. Benink

18 Dated: _____ I consent to this substitution: _____
19 Thomas Penfield

1 René L. Barge, Eric J. Benink on behalf of the law firm Krause Kalfayan Benink &
2 Slavens LLP and Thomas Penfield on behalf of the law firm of Casey, Gerry, Schenk,
3 Francavilla, Blatt, & Penfield LLP.
4

5 DATED: _____, 2007

6 CLASS ACTION LITIGATION GROUP
7

8 BY: _____
9

10 RENÉ L. BARGE
11 Attorneys for Plaintiff,
12 ROBERT PAYNE, and All Persons
13 Similarly Situated

14 Dated: _____ I consent to this substitution: _____
15 Robert Payne

16 Dated: _____ I consent to this substitution: _____
17 René L. Barge

18 Dated: 5-25-07 I consent to this substitution: _____
19 Eric J. Benink

20 Dated: 5/30/07 I consent to this substitution: _____
21 Thomas Penfield

CERTIFICATE OF SERVICE

I certify that on May 30, 2007, I caused the following document:

NOTICE OF SUBSTITUTION OF ATTORNEY FOR PLAINTIFFS to be filed electronically with the Clerk of the Court through ECF.

I further certify, that I caused a copy of the foregoing document and the notice of electronic filing to be mailed via U.S. mail to the following:

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16 Dated: May 30, 2007


Katherine J. Odenbreit

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